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Cody B. West  
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North Las Vegas, NV 89031  
Telephone (702 ) 575-2532  
Plaintiff in Proper Person

UNITED STATES DISTRICT COURT  
District of Nevada

CODY B. WEST

PLAINTIFF

vs.

BANK OF AMERICA, N.A. and  
BANK OF AMERICA HOME LOANS and  
BAC HOME LOANS SERVICING LP and  
RECONTRUST COMPANY and  
MERS - Mortgage Electronic Registration  
Services

DEFENDANTS

Case No.: 2:10-cv-01950-GMN - LRL

OPPOSITION TO MOTION TO STRIKE  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' REPLY IN SUPPORT OF  
MOTION TO DISMISS AMENDED  
COMPLAINT

Cody B. West, Plaintiff, in proper person, submits his Opposition To Motion To Strike Plaintiffs' Opposition To Defendants' Reply In Support Of Motion To Dismiss Amended Complaint filed by the Defendants wherein they erroneously refer to the Opposition as supplemental. This is incorrect and yet another attempt by Defendants counsel to continue its bantering of the Plaintiff in this case.

Memorandum of Points and Authorities

Background

Defendants filed their Motion to Dismiss Plaintiff's Amended Complaint on December 3, 2010. On December 13, 2010, Plaintiff filed his Opposition which included a MOTION TO

DISMISS Defendants Motion to Dismiss [dkt. 14]. Defendants filed a Reply in Support of their Motion to Dismiss on December 30, 2011 including their reply to the Plaintiff's Motion to Dismiss. On January 11, 2011, Plaintiff filed his response to the Reply to support his Motion to Dismiss as allowed by Federal Rules of Civil Procedure 7 [dkt. 20].


The Court Should Deny Defendants Motion to Strike

Defendants cite LR 7-2 as the basis for their Motion to Strike. As the Opposition they refer to includes a MOTION TO DISMISS the Defendants Motion, their claim is not valid and violates the very rules they cite. It is apparent that Defendants did not read the Opposition and Request for Dismissal filed with this court on January 11, 2011. The Opposition to Defendants Reply is not a Supplemental Opposition as it is in response to the Motion brought forth in the Opposition to which Defendants replied. Are they now admitting that they did not reply to the Motion contained in this document? If so Defendants themselves are in violation of LR 7-2, the local rules they cite. Their Reply contained the same headings and therefore Plaintiff replied as allowed under LR 7-2. The filings were timely given that a Holiday was involved in the response time as allowed for under Fed R Civ Proc Rule 6. Therefore Plaintiff's Opposition to Defendants Reply of Motion to Dismiss Amended Complaint and Request for Dismissal of Defendants Motion to Dismiss Amended Complaint filed on January 11, 2011 is proper and the Court should give full consideration to the same.

Conclusion

As evidenced Defendants have no standing with this court as a point of law and should not be allowed by the lack of standing to make Motions of any kind to the court. Therefore Plaintiff asks the Court to deny Defendants' Motion to Strike.

Dated this 24 day of January, 2011.

  
Cody B. West  
Plaintiff  
In Proper Person

CERTIFICATE OF MAILING

I, Cody B. West, hereby certifies that a copy of the Opposition to Motion to Strike Plaintiffs' Opposition to Defendants Reply In Support of Motion to Dismiss Amended Complaint filed on the 24 day of January, 2011, in the above-entitled case was mailed by me on January 24, 2011 by depositing copies thereof in a sealed envelope, first-class postage prepaid, in the United States mail, to

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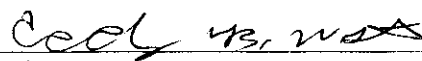
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Dated: January 24, 2011

  
Cody B. West  
Plaintiff  
In Proper Person